

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**FALKEN INDUSTRIES, LTD. and
ROY JANIS,**

Plaintiffs,

v.

**CHRISTIAN JOHANSEN and
PATRICK SAUTIN,**

Defendants.

Civil Action No. 04-12479 MEL

DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY

Defendants Patrick Sautin and Christian Johansen ("Defendants"), by their undersigned counsel, respectfully move the Court, pursuant to Local Rule 7.1(b)(3) for leave to file a Reply in support of Defendants' Motion to Dismiss, or, in the Alternative, to Compel Arbitration. Plaintiffs have raised issues outside the scope of Defendants' original Motion to Dismiss including numerous misstatements of fact which may mislead the Court. Defendants seek to provide the Court with an accurate understanding of the operative facts. Moreover, a Reply is warranted as Defendants' Motion to Dismiss is potentially dispositive of this case and involves important constitutional Due Process considerations. Defendants need to respond to Plaintiffs' arguments and respectfully request leave to do so. This motion is not for the purpose of delay, but for good cause shown.

WHEREFORE, Defendants Patrick Sautin and Christian Johansen respectfully request the Court to enter an Order granting their motion for leave to file a Reply within 14 days of entry of the Court's Order.

Dated: December ___, 2004

Respectfully submitted,
DEFENDANTS CHRISTIAN JOHANSEN
AND PATRICK SAUTIN

By their attorneys,

/s/ Kurt B. Fliegauf

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the following counsel of record on this the 16th day of December, 2004, via U.S. Mail, postage pre-paid:

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Attorneys for Plaintiff

/s/ Kurt B. Fliegauf

Kurt B. Fliegauf
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